

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

BANKRUPTCY LOCAL RULES



Effective
January 1, 2004

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NOTE: The court's local rules apply to all bankruptcy matters, unless the interests of justice require otherwise.

Note: The local bankruptcy rules shall be cited "LBR ____."

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PREFACE

STANDARDS OF PROFESSIONAL CONDUCT*

The following standards of practice are to be observed by attorneys appearing in this Court:

In fulfilling his or her primary duty to the client, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and client.

A lawyer owes to the judiciary candor, diligence and utmost respect.

A lawyer owes to opposing counsel a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.

A lawyer unquestionably owes to the administration of justice the fundamental duties of personal dignity and professional integrity.

Lawyers should treat each other, the opposing party, the Court, and members of the Court staff with courtesy and civility and conduct themselves in a professional manner at all times.

A client has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer shall always treat adverse witnesses and suitors with fairness and due consideration.

In adversary proceedings, clients are litigants and though ill feeling may exist between clients, such ill feeling should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.

Lawyers will be punctual in communications with others and in honoring scheduled appearances, and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.

If a fellow member of the Bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.

Effective advocacy does not require antagonistic or obnoxious behavior and members of the Bar will adhere to the higher standard of conduct which judges, lawyers, clients, and the public may rightfully expect.

* These standards are incorporated into Civil LR 1.5.

Bankruptcy Rules

LBR 1001-1 - Bankruptcy Division; Form of Pleadings.

All petitions, papers, pleadings, documents, proceedings, and motions filed under Title 11 of the U.S. Code shall be filed in the United States District Court for the Northern Mariana Islands, Bankruptcy Division.

Form of Pleadings/Cover Sheets. Pleadings filed with the bankruptcy division shall conform to the requirements of LR 5.1 except that the title of the court shall read:

United States District Court
for the Northern Mariana Islands

Bankruptcy Division

and the bankruptcy case number and the adversary proceeding number shall both be included, where applicable, in the space to the right of center, opposite the name of the action or proceeding.

All bankruptcy filings shall be accompanied by a completed cover sheet.

LBR 1007-1 - Master Mailing Matrix.

The debtor shall file on a form approved by the clerk a master mailing list of the names and mailing addresses of all creditors listed on “Schedule A - Statement of All Liabilities of Debtor” concurrently with, and as an integral part of, the schedules of debts and assets. The debtor shall include his or her name and address and that of his or her attorney and the United States Trustee as the first items on the master mailing list. The debtor shall then list creditors in the same order as listed on Schedule A and shall also include names and addresses of parties to pending lawsuits indicated in the debtor’s “Statement of Financial Affairs.” If the debtor is a partnership or a corporation the names and addresses of all general partners or corporate officers shall also be included on the list.

A supplement to the master list shall be submitted with the filing of any amended schedule of creditors. The supplement shall only list the complete names and addresses of the additional creditors and corrections to the master list.

Accuracy and completeness in preparing the master list and any supplement thereto are the responsibility of the debtor and/or debtor's attorney. Notices shall be mailed to those listed on the master list at the addresses shown and to such governmental entities as are required by law. The master mailing list shall contain a declaration by the debtor and/or debtor's counsel attesting to the completeness and correctness of the list.

Any party who mails a notice to creditors and parties in interest shall have the responsibility of comparing the names and addresses shown on the master mailing matrix to the names and addresses shown on schedules, amendments to schedules, requests for notices, any related adversary files, and proofs of claim filed by creditors to ensure accuracy and completeness of the master mailing matrix prior to the mailing of such notice.

Note: All notices required to be mailed under this Rule to a creditor, equity security holder, or indenture trustee shall be addressed as his or her authorized agent may direct in a request filed with the court; otherwise, to the address shown in the list of creditors or the schedule, whichever is filed later. But if a different address is stated in a proof of claim duly filed, that address should be used. See, Bankruptcy Rule 2002(g).

If one of the following specifically named agencies is a creditor of the debtor(s), the schedule of creditors and matrix of creditors submitted with any petition for relief under Title 11 shall list the agency at the following address:

DEPARTMENT OF AGRICULTURE

U.S. Department of Agriculture
Office of the General Counsel
211 Main Street, Suite 1060
San Francisco, CA 94105-1924

FARMERS HOME ADMINISTRATION (FmHA)

Farmers Home Administration
Suite 407, Pacific News Building
238 Archbishop Flores Street
Hagatna, Guam 96910

DEPARTMENT OF EDUCATION

Regional Director, Region IX
Department of Education
50 United Nations Plaza
San Francisco, CA 94102
(Debtor's social security number shall be included)

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the General Counsel
Department of Health and Human Services
200 Independence Avenue S.W.
Washington, D.C. 20201
(Debtor's social security number shall be included)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(HUD)
Chief Counsel
U.S. Department of Housing and
Urban Development
300 Ala Moana Blvd., Room 3318
Honolulu, HI 96850-4991

INTERNAL REVENUE SERVICE (IRS)

Office of Assistant Commissioner International
Special Procedures Function
Mercantil Plaza, Avenida Ponce de Leon Bldg.
Hato Rey, PR 00918

UNITED STATES POSTAL SERVICE

Regional Post Master General
Attn: Office of Field Legal Service
U.S. Postal Service
850 Cherry Ave.
San Bruno, CA 94093

SMALL BUSINESS ADMINISTRATION (SBA)

District Counsel
U.S. Small Business Administration
300 Ala Moana Blvd., Room 2213
Post Office Box 50207
Honolulu, HI 96850

VETERANS ADMINISTRATION (VA)

District Counsel
Veterans Administration
300 Ala Moana Blvd.
P.O. Box 50188
Honolulu, HI 96850

When a creditor that is a department, agency, or instrumentality of the United States is listed, the United States Attorney's office shall also be listed next to the name of the agency holding the claim in each schedule of creditors and matrix of creditors and shall also be sent to the following address:

United States Attorney's Office
Horiguchi Building - 3rd Floor
P.O. Box 500377
Saipan, MP 96950

LBR 2002-1 - Responsibility for Providing Notice.

- a. Required Notice When Schedules Are Filed After the Date The Petition is Filed.
 1. Chapter 7, 11 and 12 Cases. When schedules and statements required by Bankruptcy Rule 1007 are filed with the court after the date the debtor's petition was filed, or when such schedules or statements are amended pursuant to Bankruptcy Rule 1009, the debtor shall serve on the trustee and any case trustee (if different than the U.S. Trustee) a copy of the schedules and statements, or amendments thereto.
 2. Chapter 13 Cases. When the Chapter 13 statement required by Bankruptcy Rule 1007 or Chapter 13 plan required by Bankruptcy Rule 3015 is filed with the court, or when amended pursuant to Bankruptcy Rule 1009, the debtor shall serve a copy of the Chapter 13 statement and/or plan on the U.S. Trustee.

3. In addition, Debtor shall give notice of the date of filing of the petition to any entity not named in the original lists, statements, and schedules filed with the petition when the case was commenced. If applicable, the notice shall be accompanied by: (a) a copy of the “Order and Notice of Section 341(a) Meeting”; and (b) any Discharge of Debt or Notice of Order Confirming Plan.
 4. Debtor shall attach to any document filed after the date of the original petition a certification showing compliance with this Rule.
- b. Notice to the United States Trustee.
1. Uncontested Motions & Notices of Intent. The moving party shall serve on the U.S. Trustee a copy of the following motions and notices of intent and any documents in support thereof:
 - (a) Intended abandonment of property (by debtor or trustee) as governed by Bankruptcy Rule 6007;
 - (b) Intended compromise or settlement of controversy (by debtor or trustee) as governed by Bankruptcy Rule 9019;
 - (c) Motion to dismiss Chapter 7, 11, or 12 cases as governed by Bankruptcy Rule 1017(a). In addition, such motion shall set forth the terms of any arrangements or agreements with any entity in consideration of the dismissal;
 - (d) Motion for relief from automatic stay, as governed by Bankruptcy Rule 4001.
 2. Contested Motions. The moving party shall serve on the U.S. Trustee a copy of any motions and notices of hearing given pursuant to Bankruptcy Rule 9014.
 3. Ex Parte Motions. Movant shall serve on the U.S. Trustee and the case trustee (when that trustee is not a member of the U.S. Trustee’s staff), a copy of all ex parte motions and proposed orders filed in bankruptcy cases.

4. No Limitation of Other Service Requirements. Nothing in this Local Rule shall limit or modify the requirements of service upon the U.S. Trustee of all pleadings, motions, applications or other legal documents as set forth in Bankruptcy Rules X-1008 and X-1009. The address of the United States Trustee is:

U.S. Department of Justice
Office of the U.S. Trustee
1132 Bishop Street - Suite 602
Honolulu, HI 96813

Service upon the United States Trustee is in addition to service required upon any case trustee (where that trustee is not a member of the U.S. Trustee's staff) or other party in interest as set forth in the Bankruptcy Rules. The address of the Case Trustee is:

Robert J. Steffy
Case Trustee
210 Archbishop Flores Street
Suite 100
Hagatña, GU 96910

- c. Summons and Notice of Hearing. Movant must mail or otherwise properly serve summons and notice of hearing after the dates and proper signatures have been supplied by the court.
- d. Notice to Other Courts. Within ten days of the filing of the petition, the debtor is required to give written notification to each court or administrative tribunal in which there is pending litigation involving the debtor. Copies of that written notification shall be mailed simultaneously by the debtor to all attorneys of record in the pending lawsuits.

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